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PART IV

Legislative Measures and Rules thereunder

NOTIFICATIONS.

No. T. 470—R. T. 17-45-10, dated Bangalore, the 26th August 1946.

In exercise of the powers conferred by sub-sule (2) of rule 81 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja are pleased to make the following order, and to direct with reference to sub-rule (1) of rule 119 of the said Rules that notice of this order shall be given by publication of the same in the *Mysore Gazette.*

1. (1) This Order may be called the Mysore Motor Cycles Control Order, 1946.

(2) It extends to the whole of Mysore.

(3) It shall come into force at once.

2. The Mysore Civil Motor Cycles Control Order, 1945 is hereby repealed.

Provided that anything done under any of the provisions of that order shall be deemed to have been done under the corresponding provision of this order.

3. In this Order, unless there is anything repugnant in the subject or context,

(*a*) "controlled motor cycle" means any unused motor cycle of a description given in the First Schedule annexed to this Order imported into India on Government of India account or commercially for civil use;

(*b*) "dealer" means any person appointed as such under clause 4 or clause 5 of this Order;

(*c*) "distributor" means any person whose name is for the time being specified in the Second Schedule annexed to this Order;

(*d*) "offer to sell" shall be deemed to include a reference to the price proposed by a person for the sale by him of a motor cycle by

(*i*) the publication of a price list,
(*ii*) exposing the motor cycle with a mark indicating its price,
(*iii*) furnishing a quotation, or
(*iv*) otherwise howsoever.

(*e*) "Motor Transport Controller" means the officer appointed by the Government to be the Motor Transport Controller for the purposes of this Order, and includes any other officer authorised by the Government to perform any of the functions of the Motor Transport Controller under this order;

(*f*) "Sub-dealer" means a person appointed as such under clause 4 or clause 5 of this Order.

4. A distributor may, by order in writing, in the form shown in the Third Schedule annexed to this Order, appoint a dealer or a sub-dealer for controlled motor cycles of any make or makes dealt in by him in respect of such areas as may be specified in the Order. The distributor may at any time, by order in writing, revoke or modify any appointment of a dealer or sub-dealer. Copies of all orders made under this clause shall be forwarded to the War Transport Department of the Government of India and to the Motor Transport Controller:

Provided that no such orders shall be issued in respect of controlled motor cycles imported on the Government of India account, without the previous approval of the Government of India.

Explanation—A distributor appointed under an order of like purport to this Order for the time being in force in British India, any of the territories set out in the Sixth Schedule or any other State shall be deemed to be a distributor for purposes of this clause.

5. The Government may, by an order in writing, appoint dealers and sub-dealers, in addition to those appointed under clause 4 of this Order and may, by an order in writing, revoke or modify appointments made under this clause.

6. Every distributor shall submit a return, in the form set out in the Fourth Schedule annexed to this Order, to the Government of India in the War Transport

Department and to the Motor Transport Controller, furnishing details as to the number and type of controlled motor cycles obtained by him from outside India, within a week of the date of receipt of a consignment.

7. Orders issued by the Government of India under the Government of India Motor Cycles Control Order, 1945, specifying the maximum retail price of controlled motor cycles of any type and make or regulating generally or in any specified case or cases the prices at which and the conditions subject to which controlled motor cycles may be sold by a distributor to a dealer or by a dealer to a sub-dealer shall be as effective in Mysore as if such orders had been issued by the Government of Mysore.

8. Every dealer or sub-dealer shall by notice in the form set out in the Fifth Schedule annexed to this Order, prominently exhibited on his business premises, indicate the maximum retail prices, applicable under clause 7 in respect of each type and make of controlled motor cycle kept by him for sale.

9. (1) No person shall sell or transfer, or offer to sell or transfer, any controlled motor cycle at a price exceeding the maximum retail price for that class of motor cycle applicable under clause 7, nor shall he demand or receive any other consideration in excess of that price:

Provided that a dealer or sub-dealer may, in the case of a new motor cycle, charge, in addition to the maximum retail price, such items of delivery charges from the premises of the distributor to the premises of the dealer, as may be sanctioned by the Government of India from time to time:

Provided further that a dealer or sub-dealer may charge in addition to retail price and delivery charges aforesaid, the customs duty paid to the Government in respect of a controlled motor cycle brought into the State from British India, an Administered area or any other State.

(2) No person shall, as a consideration for the sale, transfer or disposal by him of a controlled motor cycle, take or make allowance for, any other motor cycle save in accordance with the written orders of the Motor Transport Controller.

10. (*a*) The Government may by special order require any distributor, dealer or sub-dealer to sell or otherwise dispose of any controlled motor cycle in his

possession in such manner as may be specified in the Order; and the Motor Transport Controller may similarly require a dealer or sub-dealer to sell or otherwise dispose of a controlled motor cycle in his possession; and the distributor, dealer, or sub-dealer as the case may be, shall comply with the order.

(*b*) Subject to any order made under sub-clause (*a*) and to such general or special instructions as the Government may from time to time issue for securing a proper distribution, controlled motor cycles may be sold, transferred or otherwise disposed of to any person.

11. (1) Every distributor or dealer shall keep such records and furnish such returns in relation to controlled motor cycles as the Government may from time to time by general or special order require.

(2) Every sub-dealer shall keep such records and furnish such returns in relation to controlled motor cycles as the Motor Transport Controller may from time to time by general or special order require.

12. Every distributor, dealer or sub-dealer shall produce for inspection by any person authorised in writing in this behalf by the Government or the Motor Transport Controller at any reasonable time any controlled motor cycle in his possession, and any accounts, books and such other records that are maintained or are required to be maintained under clause 11.

13. An Officer empowered in this behalf by the Government may, with a view to securing compliance with this Order—

(*a*) require any distributor, dealer or sub-dealer to furnish any information the officer may require as to the business in motor cycles carried on by such distributor, dealer or sub-dealer;

(*b*) inspect or cause to be inspected any books or other documents belonging to such distributor, dealer or sub-dealer;

(*c*) enter and search, or authorise any person to enter and search, the business premises of such distributor, dealer or sub-dealer; and

(*d*) seize or authorise any person to seize, any article in respect of which the Officer has reason to believe, that a contravention of this order has been committed and any books or other documents which are in his opinion relevant to prove the contravention, and thereafter take

or authorise the taking of all measures necessary for securing the production of the article and documents in a Court.

14. Where any controlled motor cycle is sold, offered for sale or otherwise disposed of in contravention of any of the provisions of this Order by a distributor, dealer or sub-dealer, through any person employed by him or acting on his behalf such person and also, unless he proves that he exercised due diligence to prevent such contravention, the distributor, dealer or sub-dealer, as the case may be, and any person having charge, on behalf of the distributor, dealer or sub-dealer, of the place where the contravention occurred shall be deemed to have contravened the said provision or provisions of this Order.

15. If in the opinion of the Government any distributor has—

(*a*) contravened any of the provisions of this Order or of the Mysore Motor Vehicle Spare Parts Control Order, 1945, or of any other order under the Defence of India Rules, as applied to Mysore, in respect of any motor cycle or any motor vehicle spare parts ; or

(*b*) made any false declaration or statement in relation to any transaction in respect of controlled motor cycles or controlled spare parts ; or

(*c*) committed any breach of the terms of any contract with the Government of India or a Provincial Government or a State Government relating to the operation or maintenance of transport vehicles ; or

(*d*) been declared an insolvent ; or

(*e*) otherwise shown himself unfit to continue as a distributor, the Government may, without prejudice to any other action that may be taken against any such distributor, direct the removal of his name from the Second Schedule to this Order whereupon such person shall cease to be a distributor for the purposes of this Order.

16. The Government may by general or special order exempt any motor cycle or class of motor cycles from all or any of the provisions of this order.

17. Any Court trying a contravention of this Order may direct that any motor cycle in respect of which the Court is satisfied that this Order has been contravened shall be forfeited to the State.

MAHOMED ISMAIL SHERIFF, *Genl. Secy.*

FIRST SCHEDULE.

[*Clause 3 (a)*]

Description of Motor Cycles to which this Order applies.

Sl. No.	*Make*		*Type*
1	A. J. S.	...	All types
2	Ariel	...	Do
3	B. S. A.	...	Do
4	Dot	...	Do
5	Excelsior	...	Do
6	James	...	Do
7	Matchless	...	Do
8	New Hudson	...	Do
9	Norman	...	Do
10	Norton	...	Do
11	Panther	...	Do
12	Royal Enfield	...	Do
13	Scott	...	Do
14	Triumph	...	Do

SECOND SCHEDULE

[*Clause 3 (c)*].

List of Distributors.

Sl. No.	Name of Distributor	Place at which business premises of Distributor are situated	Description of Motor Cycles in respect of which he has been appointed as distributor

THIRD SCHEDULE.

[*Clause 4*].

I .....being a distributor under the.....
Mysore Motor Cycles Control Order, 1946, appoint you.....
to be a dealer/sub-dealer for the distribution of.....

motor cycles. Your place of business will be..... ....
and the territory in which you have a trading area is.....
.....

Distributor.

Motor Transport Controller in Mysore, Bangalore.

Copy forwarded to the War Transport Department, New Delhi.

....

Distributor.

FOURTH SCHEDULE.

[*Clause 6*].

Return of Controlled Motor Cycles Received from outside India.

Description of motor cycle		Quantity ordered	Quantity reported as received in the last return	Now reported as received		Balance on order	Remarks
Make	Type			Quantity	Date of receipt		

Forwarded to the Secretary to the Government of India, War Transport Department, New Delhi.

Motor Transport Controller in Mysore, Bangalore.

.....

Distributor.

FIFTH SCHEDULE.

[*Clause 8*].

Maximum Retail Prices of Commercially Imported Motor Cycles.

Make	Type	Maximum Retail Price	Under the provisions of the Mysore State Motor Cycles Control Order, 1946 dealers and sub-dealers are authorised to charge in the case of new controlled motor cycles in addition to the retail price, delivery charges from the premises of the distributor to the premises of the dealer (but not from the premises of the dealer to the premises of sub-dealer) consisting of such items as sanctioned by the Government of India from time to time. The items at present sanctioned are ....

Dealer .....

Date ..... *Sub-dealer* .....

SIXTH SCHEDULE.

[*Clause 4*].

1. The Cantonment of Baroda.
2. The administered areas in the Western Indian States Agency, specified in the Western India States Administered Areas (Application of Laws) Order, 1942.
3. The administered areas in the Central Indian Agency specified in the Central India Administered Areas (Application of Laws) Order, 1943.
4. The Gwalior Residency Area.
5. The District of Abu.
6. The administered areas in the Hyderabad State specified in the Hyderabad Administered Areas (Application of Laws) Order, 1942.
7. The Civil and Military Station of Bangalore.
8. The Kolhapur Residency Area and the Wadi Jahgir.
9. The Railway Lands in the Western India States Agency specified in the Western India States Full Jurisdiction Railway Lands (Application of Laws) Order 1942, and the Western India States partial Jurisdiction Railway Lands (Application of Laws) Order, 1942.
10. The Rajputana and Central India Railway Lands specified in the Rajaputana and Central India Railway Lands (Application of Laws) Order, 1943.
11. The Punjab States Railway Lands specified in the Punjab States Railway Lands (Application of Laws) Order, 1942.
12. The Tana Circles in the Rewa Kantha Agency in the Gujarat States Agency and the Dangs.
13. The British Reserve in Manipur.
14. The Shillong Administered Area.

No. C. 284—Co. 32-45, dated Bangalore, the 24th July 1946.

In exercise of the powers conferred by sub-rule (2) of rule 81 of the Defence of India Rules as applied to Mysore, the Government of His Highness the Maharaja are pleased to direct that the following further amendment shall be made in the Cotton Cloth and Yarn (Control) Order, 1945 and to direct with reference to sub-rule (1) of Rule 119 of the said rules that notice of the said amendment shall be given by the publication thereof in the Gazette and by the issue of a Press Note summarising the amendments :—

"In Clause 12-c of the said order after sub-clause (3) the following new sub-clause shall be added, namely:—

(4) No person shall work or cause or permit to be worked.—

(*a*) sewing thread winding and spooling machines, hosiery machines or looms in excess of such machines or looms in his undertaking on the 30th September 1944;

(*b*) any such machine or loom for a period which in any one month exceeds the average hours of work per machine per month in the undertaking during the year ending the 30th September 1944;

(5) no person shall acquire or instal any loom, sewing thread machine or hosiery machine."

E. V. GANAPATI IYER, *Civil Supplies Secy.*

No. C. 811—Co. 1-46-15, dated Bangalore, the 21st August 1946.

In exercise of the powers conferred by clause (c) of sub-section (1) of Section 3 of the Hoarding and Profiteering Prevention Act, 1944 (Act XXII of 1944), the Government of His Highness the Maharaja are pleased to direct that the following amendment shall be made in their Notification No. C. 1221—Co. 33-44-95, dated the 20th June 1945, namely :—

In the brands of pipe-smoking tobaccos and prices mentioned in the said notification, the item "CRAVEN MIXTURE" and the price entries relating thereto, shall be omitted.

No. C. 821—Co. 1-46-17, dated Bangalore, the 23rd August 1946.

In exercise of the powers conferred by clause (c) of sub-section (1) of Section 3 of the Hoarding and Profiteering Prevention Act, 1944 (Act XXII of 1944), the Government of His Highness the Maharaja are pleased to direct that the following further amendment shall be made in their notification No. C. 73—Co. 1-45-14, dated the 28th July 1945 namely :—

In part I of the Schedule annexed to the said notification item No. 131, relating to "Evening in Paris Lipstick" shall be deleted.

A. S. KHALEEL, *Civil Supplies Secy.*

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